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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,614	08/16/2005	Jozsef Szilagyi	EMRI-002 (20-2288-TEKE)	9762
62479	7590	03/01/2007	EXAMINER	
HAHN & VOIGHT PLLC 1012 14TH STREET, NW SUITE 620 WASHINGTON, DC 20005			PASSANITI, SEBASTIANO	
			ART UNIT	PAPER NUMBER
			3711	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/520,614

Applicant(s)

SZILAGYI, JOZSEF

Examiner

Sebastiano Passaniti

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on see detailed Office action.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/10/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office action is responsive to communication received 01/10/2005 – application papers filed, including Preliminary Amendment and IDS; 05/09/2005 – Status Inquiry and Change of Correspondence Address; 07/27/2005 – Status Inquiry; 08/16/2005 – Reply to Notification of Missing Parts including Change of Correspondence Address and Oath; 09/28/2005 – Change of Correspondence Address; 10/25/2005 – Change of Correspondence Address; 12/17/2005 – Change of Correspondence Address; 04/03/2006 – Power of Attorney; 07/05/2006 – Change of Correspondence Address; 07/11/2006 – Power of Attorney and Change of Correspondence Address; 07/17/2006 – Change of Correspondence Address.

This application is a 371 of PCT/HU02/00086, filed 09/11/2002.

Claims 1-9 are pending.

Following is an action on the MERITS:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Rardon ('562). As to claim 1, note turbo playing unit (14) and lane plate (26). The support structure includes elements (35, 36, 37, 38, 39) and enables tilting (i.e., sloping, inclining, slanting) of the lane plate. See column 3, lines 13-30. As to claim 5, Figure 1

clearly shows a rectangular lane plate (26). As to claim 6, the length of the lane plate (26) is clearly at least three times the width of the plate. As to claim 7, as best understood, there is asymmetrical arrangement of pin-stands (32). As to claim 8, note starting line (31). As to claim 9, projector (14) serves as part of a turbo-bowling game, as best understood.

Claims 1 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bayer ('915). As to claim 1, note turbo playing unit or pistol (11) and lane plate or main floor (1). The support structure includes elements (23, 24, 25) and enables tilting (i.e., sloping, inclining, slanting) of the lane plate. See page 2, column 1, and lines 3-8. As to claim 5, Figure 1 clearly shows a rectangular lane plate (26). As to claim 6, the length of the lane plate (1) is clearly at least three times the width of the plate. As to claim 7, as best understood, there is asymmetrical arrangement of pin-stands (2). As to claim 8, note starting lines (3). As to claim 9, pistol (11) serves as part of a turbo-bowling game, as best understood.

Claims 1, 2, 5, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Laszlo ('880). As to claim 1, note the turbo player unit (14) shown in Figure 4 and lane plate (10). See column 2, lines 26-65, wherein Laszlo details that the slope of the lane (10) may be adjusted; thus, the lane plate may tilt. As to claim 2, Figure 4 shows the claimed whirling top configuration. As to claim 5, the lane (10) is generally rectangular. As to claim 8, note starting indicia (13), as described in column 2, lines 14-18. As to claim 9, the turbo player unit (14) serves as part of a turbo-bowling game, as best understood.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over King ('033) in view of Wilson ('365) and Constant ('769). The patent to King lacks bowling pins as well as a globe head and globe shell arrangement. The secondary teaching to Constant obviates the use of bowling pins as targets (Figure 6). Clearly, the depressions (20, 21) in King serve as suitable targets for the projectile or balls set into motion. One of ordinary skill in the art would have found it obvious to modify the configuration of the targets in King commensurate with the theme of the game being played. In this case, a table bowling game would lend itself to include targets in the shape of bowling pins merely to enable the simulated table game to more closely resemble the items often associated with an actual bowling game. Of further interest is the fact that King already provides a tilting surface. Here, the skilled artisan would have learned from a reading of the teaching reference to Wilson that a globe and shell arrangement produces similar advantages in that the globe and shell arrangement likewise offers pivotal movement for the table surface. See Figure 2 and element (3) in Wilson. In view of the patent to Wilson, it would have been obvious to modify the device in the cited art reference to King by replacing the structural elements (17, 18, 19) with a globe head and globe shell arrangement, the motivation simply being to take advantage

of another mechanical expedient for creating a slant or incline in the playing surface during the game. Regarding the remaining limitations in the claims and with respect to King, note that handles (5) may serve as the claimed turbo player unit. As to claim 5, the lane of the playing surface is rectangular in design. As to claim 6, the length of the lane appears to be at least three times the width of the lane. As to claim 7, note the symmetric arrangement of the target apertures to either side of a midline of the playing lane. As to claim 8, either end of the longitudinal lane presents a "starting line" from which one may consider the commencement of the game. As to claim 9, here again the handles serve as a part of the turbo-bowling game.

Claim Objections

Claims 2, 4, 7, 8 and 9 are objected to because of the following informalities:

As to claim 2, line 2, "namely" should be changed to read either --comprising-- or --including--.

As to claim 4, this claim incorrectly depends from itself.

As to claim 7, the structure, which goes to make up the device, must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device.

As to claim 8, the "starting lane" should be positively set forth.

As to claim 9, what is "a turbo-bowling"?

Appropriate correction is required.

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Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month and year of its filing.

In this case, the foreign application data appears to be incorrectly listed under the section reserved for benefit under §120. Applicant's attention is directed to the language in the oath received 08/16/2005 and immediately preceding this section and referring to priority under §119, if appropriate.

Further References of Interest

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the following elements of interest:

Sphere (k) and socket (l) in Griffith;

Hexagonal-shaped whirling top (16) in Cromwell ('431);

Figure 2 in Cromwell ('997);

Motter shows a tiltable board;

Note the ball projector and bowling pins in Butt;

Figures 1 and 2 in Diaw;

Figure 1 in Shiraishi;

Projector (6) in Moret;
Adjustable height mechanism (27) in Stanford;
Figures 1 and 4 in Bromley;
Figures 3-6 in Fabian;
Figures 1 and 4 in Maeda;
Globe (36) in Pedersen.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Monday through Friday (6:30AM - 3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.Passaniti/sp
February 27, 2007


Sebastiano Passaniti
Primary Examiner